

FO20004-11750

No. 353

AMERICAN CONSULATE

Valparaiso, Chile, January 28, 1940

LEGAL ADVISER

MAR 2 1940

DEPARTMENT OF STATE

SUBJECT: Doctor Hermann Frederick Erben

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STRICTLY CONFIDENTIAL

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THE SECRETARY OF STATE

DIVISION OF
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DIVISION OF
INTERNATIONAL COMMUNICATIONS

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DEPARTMENT OF STATE

WASHINGTON

MR. BERLE

3-4-40

MAR 4 1940

NOTED

I have the honor to refer to my telegram of January 4, 1940, 6 p.m., and to the Department's telegraphic instruction of January 26, 1940, 2 p.m., relating to the case of Doctor Hermann Frederick Erben. This Consulate inquired whether Doctor Erben could be considered eligible for relief and repatriation as an American seaman on the grounds that he had previously sailed as Ship's Doctor on various American vessels, although his last service on an American ship was in 1937. The Department's instruction was to the effect that he could not be held entitled to relief owing to the length of time that had elapsed since his last service on an American vessel.

The telegram from this office was not intended primarily to determine Doctor Erben's eligibility for relief, as this office would not have considered granting him relief under the circumstances. The telegram was sent primarily to determine whether the Department had any specific instructions regarding this man in view of its Confidential mimeographed instruction of September 2, 1938, (file no. 130), entitled "Passport Facilities for Doctor Hermann Frederick Erben".

There were other rather doubtful circumstances surrounding

/his

130-ERBEN, HERMANN FREDERICK

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his case. He had been discharged from a German vessel in the Argentine and had, according to his statement, at one time been on the Black List for activities in connection with the smuggling of narcotic drugs. Doctor Erben, however, presented a photostatic copy of a letter from the Assistant Chief of the Narcotics Division of the Treasury Department which appeared to place his record straight in that matter. Doctor Erben further informed this Consulate that a suit was pending in the Federal District Court of San Francisco to determine his claim to American citizenship. It was for that reason that he was exceedingly anxious to return to the United States.

For the Department's files, the following statement of Doctor Erben's activities as far as known to this Consulate is given. He stated that he is separated from his wife and that he has two sons of military age who are now in Germany. He went to Germany from the United States sometime in 1939 and on July 15, 1939, he signed on the S.S. USSUKUMA of the Deutsches Afrika Linie as Ship's Doctor. He stated that he had gone to Germany in the hope of being able to get his sons out of the country, but that he was unsuccessful as they were of military age and the authorities would not permit them to visit him in Amsterdam. The USSUKUMA was in Lourenco Marques when the war broke out. The Captain of this German liner decided to sail his ship to South America and after 42 days at sea eventually made the port of Bahia Blanca in the Argentine, on October 11, 1939. On November 15, 1939, Doctor Erben went from Bahia Blanca to Buenos Aires. He states that while there

he was under the scrutiny of Nazi agents. He was told by one of the Vice Consuls of the Consulate General at Buenos Aires

/that,

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that, as an American citizen, he was forbidden by the Neutrality Act to continue service on a belligerent vessel. He states that he secured his discharge from the German crew on the grounds that he was going to make his own way home. By that he meant the United States, although the implication left with the German authorities was that he was making his own way back to Germany. It may be recalled that the USSU-KUMA put to sea from Bahia Blanca on December 4, 1939, and was scuttled by its crew on December 6, 1939, after encountering a British cruiser.

Doctor Erben arrived in Valparaiso about the 1st of the present year in the expectation of obtaining transportation to California. He stated that he would soon be destitute and requested the assistance of this office in getting him a passage as a workaway on some vessel that would take him at least to the Canal Zone. As this office was unsuccessful in its efforts to obtain him a free passage on any ship, he eventually sailed on the Japanese vessel HEIYO MARU for Callao. On this same vessel were travelling 22 members of the German crew of the Standard Oil tanker H. G. SEIDEL, who were being sent back to Germany by way of Yokohama. This matter was reported in my Despatch No. 350 of January 19, 1940,

While in Valparaiso, Doctor Erben stayed at the German Seaman's Home as that was the only place where he could obtain free accommodation. After two weeks there, he reported that he would have to leave the Seaman's Home, but apparently he made arrangements to continue there until the date of his sailing. He was in touch with the German Consulate General

... while here and reported that the German Seaman's Home was
 ... a headquarters for German activity in Valparaiso.

/Doctor

Doctor Erben confided to this Consulate the information contained in my Strictly Confidential Despatch No. 351 of January 19, 1940 (file no. 711). He stated that because he had two sons, a mother and a sister in Germany, he had to go warily for fear of reprisals and give the impression that he was still a German seaman in the service of his country. In the last war he had been an Artillery officer. He said that he was sure that his whereabouts were known to the German authorities and he feared that he might be ordered to report for duty on some German ship. If he received definite orders to report for German military service, he would either have to obey them or be marked as a deserter with possible reprisals against his family in Germany. It was for that reason, as well as his desire to get back to San Francisco, that he was anxious to move away from Valparaiso as soon as possible.

His conduct while in Valparaiso was as far as I know perfectly correct, but the recital of his case involves a rather curious chain of incidents.

Respectfully yours,

Renwick S. McNiece
Renwick S. McNiece,
American Consul

Submitted in quintuplicate to the Department
Extra copy for the supervising Consulate General
Extra copy for the Embassy

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Washington,
January 26, 1940.

DIVISION OF
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AMERICAN CONSUL,
VALPARAISO (CHILE).

Your January 4, 6 p.m.

In view of the fact that Dr. Erben has not served
on an American vessel since 1937, the Comptroller General
has held that he is not entitled to relief or transporta-
tion as a destitute American seaman at the expense of the
United States.

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(Cable)

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DIVISION OF
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Enciphered by _____
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